

REMARKS/ARGUMENT**Request for Personal Interview:**

A personal interview with the Examiner is respectfully requested. Applicants' representative will contact the Examiner to set a mutually convenient date and time.

Regarding the Claims in General:

Claims 1-12 and 21 remain pending. It is proposed hereby to amend claim 1 to better highlight the distinguishing features of the invention. As amended, claim 1 would recite more explicitly what was already at least implicit in the claim as previously presented, and therefore its scope would not be changed for statutory purposes related to patentability. Likewise, no new issues would be raised by the proposed amendment.

Regarding the Prior Art Rejections:

In the outstanding Office Action, claim 1 was again rejected as anticipated by Kropf et al. U.S. Patent 5,941,150 (Kropf) and claims 1 and 21 were rejected as anticipated by Price et al. U. S. Patent 2,657,926 (Price). In addition, dependent claims 2-12 have again been rejected as obvious over Price in view of several secondary references. Applicants respectfully traverse these rejections.

Claim 1, as amended, recites:

a film holder between the linear feeding device and the trimming device that is operable between a first position wherein a gap is provided for the film to pass through during feeding to the trimming device, and a second position wherein the gap is closed so that for clamping the film is clamped between the feeding device and the trimming device during the time while the film is being severed by the trimming device.

The essence of the Examiner's position relative to Kropf appears to be that the claimed film holder corresponds to the bottom surface of arm 65 in combination with the left hand side of trimming elements 53, 55. Several things appear to be wrong with this. For one thing, as evident from Figures 3-6 of the patent, there is nothing below the paper tape on the feed side of cutting elements 53, 55, i.e., between the feeder and the cutter, which provides a bearing surface against which the tape can be held, before, during, or after cutting. If anything is supporting or guiding the

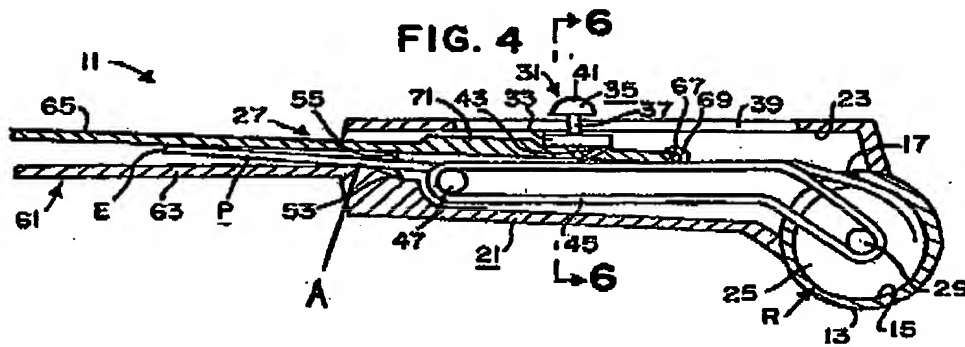
tape at the various stages of operation before it has been cut, it is the surface labeled A in the reproduction of Fig. 4 below just to the *left* of cutters 53 and 55. That, however, is not *between* the linear feeder and the cutter. Arm 65 plays no role in any event.

U.S. Patent

Aug. 24, 1999

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5,941,150



Secondly, as may be appreciated from Figs. 3-6, cutter 55 extends *down from* arm 65, but the top of cutter 53 is flush with the surface A. Therefore, as illustrated in Fig. 5, while body 33 is riding up onto cam 71 so cutters 53 and 55 can pierce the tape, there is no pinch-point for the tape between catch member 43 and cutters 53 and 55. The only place the tape is pinched during cutting is at surface A *on the out-feed side* of cutters 53 and 55. At no time, and especially not while the tape is being cut, is there a pinch-point between the feeder and the cutter. Claim 1 is therefore not anticipated by Kropf.

Price likewise has no tape holder between the feeder and the cutter. The Examiner has stated that clamping finger 70 meets this requirement, but he appears to have misinterpreted Fig. 2, which clearly shows that the clamping finger 70 is on the out-feed side of the cutter 52 rather than between cutter 52 and feed mechanism 20. To make this more apparent, a portion of Figure 2 of the patent has been enlarged, and reproduced below modified to illustrate what it would look like if finger 70 were in fact between cutter 52 and the feed mechanism. In the upper drawing, Figure 2 is reproduced for reference as shown in the patent. In the lower drawing, Figure 2 has been marked up to show that the bottom half of finger 70 would not be visible in front of cutter 52 if it were positioned as asserted by the Examiner. It is respectfully submitted that this clearly demonstrates that finger 70 is not

between the feeder 20 and cutter 52, and that the rejection of claims 1 and 21 as anticipated by Price are not valid.

Nov. 3, 1953

T. R. PRICE ET AL
TAPE DISPENSER

2,657,926

Filed March 11, 1948

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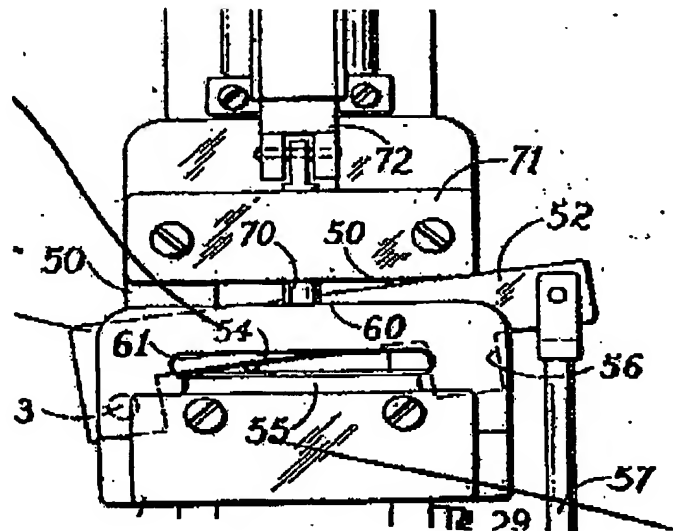


Fig. 2 Per Patent

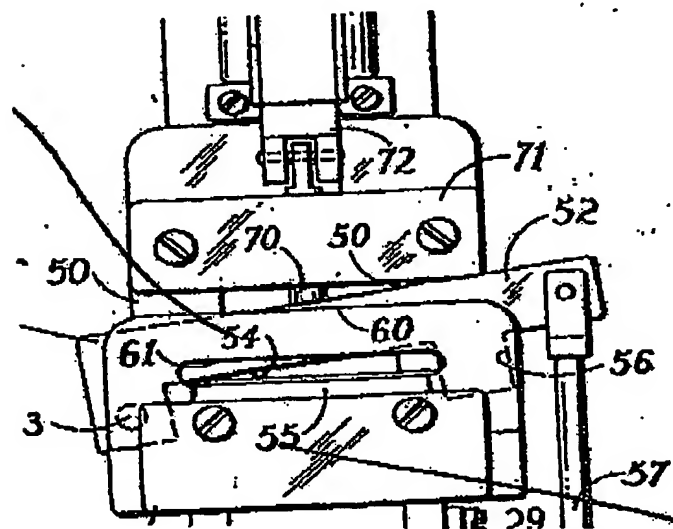


Fig. 2 (Modified)

Moreover, since Price is the basis of all of the obviousness rejections under 35 U.S.C. §103, these rejections are also not valid.

In view of the foregoing, favorable reconsideration and allowance of this application are respectfully solicited.

I hereby certify that this correspondence is being transmitted by Facsimile to (571)273-8300 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Respectfully submitted,

Lawrence A Hoffman
Name of applicant, assignee or
Registered Representative
Lawrence A Hoffman
Signature
July 19, 2005
Date of Signature

Lawrence A Hoffman
Lawrence A Hoffman
Registration No.: 22,436
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

LAH:lac